## **ORIGINAL**

IN THE SUPREME COURT OF THE

Supreme Court Cause No.

FILED
July 21 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Christopher J. Gillette

11 East Main Street

Bozeman, MT 59715 Tel: (406) 582-7918 Fax: (406) 582-0590

THOMAS AYER,

chris@cjgillettelaw.com

Appellant,

CHERYL UPSHAW,

Appellee.

Attorney for Thomas Ayer

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) NOTICE OF APPEAL

STATE OF MONTANA

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CLERK OF THE SUPREME COURT

FAX - FILED

JUL 2 1 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE is given that Thomas Ayer, the Appellant above-named and who is the Respondent in the cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DR-05-300B, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 17<sup>th</sup> day of May, 2010.

NOTICE OF APPEAL

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## THE APPELLANT FURTHER CERTIFIES:

- 1. That this appeal is subject to the mediation process required by M.R. App. P.7. The money judgment being sought is not less than \$5,000.
- 2. That this appeal is not an appeal from an order certified as final under M.R.Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A".
- 3. That the notice required by M.R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
- 4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. Appellant has complied with the provisions of M.R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
- 5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 21, day of 5, 2010

CHRISTOPHER J. GILLETTE

Attorney for Thomas Ayer

## **CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:

Dated this 21 day of  $J_{14}$ , 2010.

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P.O. Box 1186

Manhattan, MT 59741

Respondent, Pro Se

Gallatin County Clerk of District Court

Jennifer Brandon

615 S. 16<sup>th</sup> Ave., Room 302

Bozeman, MT 59715

Court Reporter of Gallatin County, Judge Mike Salvagni

Tami McNulty

615 South 16th Ave. Rm. 207

Bozeman, MT 59715

Katie A. Thomas

11 East Main Street, Suite C

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Legal Assistant to Christopher J. Gillette

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